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Attorneys for the Foreign Representatives

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:) Chapter 15 Case
)
FAIRFIELD SENTRY LIMITED, et al.,) Case No. 10-13164 (SMB)
)
Debtors in Foreign Proceedings.) Jointly Administered
)
FAIRFIELD SENTRY LIMITED (IN LIQUIDATION) and)
FAIRFIELD SIGMA LIMITED (IN LIQUIDATION),)
acting by and through the Foreign Representatives thereof,)
and KENNETH KRYS and CHARLOTTE CAULFIELD,)
solely in their capacities as Foreign Representatives and) Adv. Pro. No. 10-03635
Liquidators thereof,) (SMB)
)
Plaintiffs,)
)
-against-)
)
ABN AMRO SCHWEIZ AG A/K/A ABN AMRO)
(SWITZERLAND) AG, ADLER AND CO PRIVATBANK)
AG, ALLIANZBANK SPA/UNIFORTUNE)
CONSERVATIVE SIDE POCKET, ALTERNATIVE)
INVESTMENT STRATEGIES, ARSENAL SPC,)
ARSENAL SPC OBO GLASGOW SEG PORT, BANCA)
ARNER SA, BANCA UNIONE DI CREDITO, BANK)
HAPOALIM SWITZERLAND LTD., BANK JULIUS)
BAER & CO. LTD., BANK SARASIN & CIE, BANQUE)

CANTONALE VAUDOISE, BANQUE CRAMER & CIE)
SA, BBVA (SUISSE) SA, BCV AMC DEFENSIVE AL)
FUND, BNP PARIBAS (SUISSE) SA, BNP PARIBAS)
(SUISSE) SA EX FORTIS, BNP PARIBAS (SUISSE) SA)
PRIVATE, BSI AG, BSI EX BANCA DEL GOTTARDO,)
CACEIS BANK LUXEMBOURG, CBB (BVI)/ THE)
ALKIMA FUND, CBT GEMS LOW VOL REG,)
COMPAGNIE BANCAIRE HELVETIQUE, CENTRUM)
BANK AG (AMS), CLARIDEN LEU LTD., CORNER)
BANCA SA, CREDIT SUISSE AG ZURICH, DEXIA)
BANQUE INTERNATIONALE A, LUXEMBOURG,)
DRESDNER BANK SCHWEIZ, EFG BANK SA)
SWITZERLAND, EFG EUROFINANCIER D'INVEST)
MCL, ENDURANCE ABSOLUTE LTD. MASTER,)
FAIRFIELD INVESTMENT GCI, FAIRFIELD)
INVESTMENT FUND LTD., FALCON PRIVATE BANK,)
FIF ADVANCED LTD., FINTER BANK ZURICH,)
HARMONY CAPITAL FUND LTD., HSBC, IHAG)
HANDELSBANK AG, INCORE BANK AG, KARASEL)
ENHANCED PORTFOLIO, KARLA)
MULTISTRATEGIES LTD., LGT BANK IN)
LIECHTENSTEIN AG, LIECHTENSTEINISCHE LB)
REINVEST AMS, LLOYDS TSB BANK GENEVA,)
LOMBARD ODIER DARIER HENTSCH & CIE,)
LONGBOAT LTD., MASTER CAPITAL AND HEDGE)
FUND, NATIONAL BANK OF KUWAIT, NBK BANQUE)
PRIVEE SUISSE SA, PICTET & CIE, PKB)
PRIVATBANK AG, QUASAR FUNDS SPC A/K/A)
QUASAR FUND SPC CLASS A AND CLASS B CGCNV,)
RBC DEXIA INVESTOR SERVICE JULIUS BAER)
SICAV, RBS COUTTS BANK LTD., RICHOURT AAA)
MULTISTRATEGIES, ROTHSCHILD BANK AG)
ZURICH (DUBLIN) A/K/A ROTHSCHILD BANK AG,)
ROTHSCHILD BANK GENEVA (DUBLIN),)
ROTHSCHILD LUGANO DUBLIN A/K/A BANCA)
PRIVATA EDMOND DE ROTHSCHILD LUGANO S.A.,)
EDMOND DE ROTHSCHILD (SUISSE) S.A., SIS)
SEEGANINTERSETTLE, SIX SIS LTD., SOCIETE)
GENERALE BANK & TRUST, SOUNDVIEW FUND,)
SWISSCANTO FD CENTRE CLIENTS A/C, T1 GLOBAL)
FUND LTD., UBS AG NEW YORK, UBS AG ZURICH,)
UBS JERSEY NOMINEES, VERWALTUNGS UND)
PRIVAT-BANK AG AKTIENGESELLSCHAFT (AMS),)
VORARLBERGER LANDES UND HYPOTHEKENBANK)
AKTIENGESELLSCHAFT AND BENEFICIAL OWNERS)
OF ACCOUNTS HELD IN THE NAME OF CGC NA)

11000, HSBC PRIVATE BANK SUISSE SA, BRUDERER,)
CAPITALIA, PAN INTERNATIONAL LIMITED and)
BENEFICIAL OWNERS OF ACCOUNTS HELD IN THE)
NAME OF HSBC PRIVATE BANK SUISSE SA 1-1000,)
)
Defendants.	

NOTICE OF APPEAL

Part 1: Identify the Appellant(s)

1. **Names(s) of appellants:** Fairfield Sentry Limited (In Liquidation) and Fairfield Sigma Limited (In Liquidation), acting by and through the Foreign Representative thereof, and Kenneth Krys, solely in his capacity as Foreign Representative and Liquidator thereof (“Plaintiff-Appellants”).

2. **Position of appellants in the adversary proceeding that is the subject of this appeal:** Plaintiff(s)

Part 2: Identify the subject of this appeal

1. **Describe the judgment, order or decree appealed from:** Plaintiff-Appellants, by their attorneys, hereby appeal under 28 U.S.C. § 158(a) from:

- a. Each and every part of that portion of the Stipulated Order Granting In Part And Denying In Part Moving Defendants' Motions To Dismiss And Plaintiffs' Motions For Leave To Amend, dated Monday, April 15, 2019 (ECF No. 431) (the “Order”) that constitutes a final judgment and except insofar as the Order provides for further proceedings on issues listed in Order Paragraph II.A in the Bankruptcy Court;
- b. Memorandum Decision Granting in Part and Denying in Part Defendants’ Motions to Dismiss and Plaintiffs’ Motions for Leave to Amend, dated December 6, 2018 (*Fairfield Sentry Limited (in Liquidation) v. Theodoor*

GGC Amsterdam et al., Adv. Proc. No. 10-03496 (SMB) (Bankr. S.D.N.Y. Dec. 6, 2018)¹, ECF. No 1743) (“December 2018 Decision”), solely insofar as it concerns claims dismissed under the Order and the extraterritorial application of the Section 546(e) safe harbor; and

- c. Memorandum Decision and Order Regarding the Defendants’ Motions to Dismiss for Want of Jurisdiction, dated August 6, 2018 (*Fairfield Sentry Limited (in Liquidation) v. Theodoor GGC Amsterdam et al.*, Adv. Proc. No. 10-03496 (SMB) (Bankr. S.D.N.Y. Aug. 6, 2018), ECF No. 1723) (the “August 2018 Order”), solely insofar as it rules that Defendants’ consent to the Subscription Agreement does not constitute consent to personal jurisdiction in the U.S. Redeemer Actions.

2. **State the date on which the judgment, order, or decree was entered:**

- a. The Order was entered on Monday, April 15, 2019. A copy of the Order is annexed hereto as **Exhibit A**.
- b. The December 2018 Decision was entered on December 6, 2018. A copy of the December 2018 Decision is annexed hereto as **Exhibit B**.
- c. The August 2018 Order was entered on August 6, 2018. A copy of the August 2018 Order is annexed hereto as **Exhibit C**.

Part 3: Identify the other parties to the appeal:

The relevant parties to the judgment, order, or decree appealed from, and the names, addresses, and telephone numbers of their respective attorneys are as follows:

¹ The Court entered the decisions addressed in this Notice of Appeal only on the administratively consolidated docket for this action and its related proceedings.

Plaintiff-Appellants	Attorneys
Fairfield Sentry Limited (In Liquidation) and Fairfield Sigma Limited (In Liquidation), acting by and through the Foreign Representative thereof, and Kenneth Krys, solely in his capacity as Foreign Representative and Liquidator thereof	BROWN RUDNICK LLP David J. Molton Marek P. Krzyzowski Seven Times Square New York, New York 10036 Telephone: 212-209-4800 SELENDY & GAY PLLC David Elsberg Lena Konanova Ron Krock 1290 Avenue of the Americas New York, NY 10104 Telephone: 212-390-9000
Defendant-Appellees	Attorneys
See Schedule A	See Schedule A

Part 4: Not Applicable (No BAP in this District)

Part 5: Signature

Dated: May 14, 2019
New York, New York

Respectfully submitted,

BROWN RUDNICK LLP

/s/ David J. Molton

BROWN RUDNICK LLP

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—and—

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